REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and the remarks made herein.

Claims 1-10 are pending and stand rejected. Claims 1, 5, 8 and 9 have been amended. No new matter has been added.

Claim 1 stands objected to for containing informalities.

Applicant thanks the examiner for his observation and has amended the claim to correct the informalities noted by the examiner.

Having amended claim 1 to correct the noted informalities, applicant submits that the reason for the objection has been overcome and can no longer be sustained. Applicant respectfully requests the objection be withdrawn.

Claims 3 and 7 stand rejected under 35 USC §112 for failing to provide antecedent basis of the term "said rise."

Applicant thanks the examiner for his observation and has amended claim 1 to correct the informalities noted by the examiner.

Having amended claim 1 to correct the noted informalities, applicant submits that the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests the rejection be withdrawn.

Claims 1-4 stand rejected under 35 USC §103(a) are being unpatentable over "Adaptive multiple-candidate hierarchical search for block matching algorithm" to Chen in view of Wong (USP no. 6,542,547). The Office Action states "Chan teaches a method of choosing an optimal candidate value ... Chan does not teach the repeating of the search using adjacent blocks. Wong teaches the searching of the adjacent blocks of a selected best match block. ... Chan and Wong teach the method of claim 1."

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. However, in response to the rejection of claims 3 and 7 applicant has amended independent claim 1, from which claims 3 and 7 depend, to recite "using a comparison of a rise of the attendant matching error to a predetermined criterion." No

new matter has been added. Support for the amendment may be found in the originally filed claim 1, which recited the term "a rise" and was inadvertently removed in a prior response.

Chen discloses an adaptive multiple-candidate search for the estimation of motion vectors. The method provides for initiating a search with a known step size at an initial location with a step size of p and computes a mean absolute difference (MAD) for each of an initial block and eight surrounding blocks. A minimum value of the MADs is selected and used to determine a value for each of the blocks. A candidate is chosen for a next step by choosing a block that has a candidate value greater than a global threshold (GT). The next iteration uses a step size of p/2.

Chan fails to teach or suggest using "a comparison of a rise of the attendant matching error," as is recited in the claims.

Wong discloses a motion estimation system for video compression including defining a target block, defining a signature block, using the signature block for searching a frame for a best match by computing the sum of the absolute pixel-by-pixel differences and selecting a new block with the minimum sum of the absolute pixel-by-pixel differences. Wong further discloses searching adjacent neighbors of the new block for minimum absolute difference matches.

However, Wong fails to teach or suggest using "a comparison of a rise of the attendant matching error," as is recited in the claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, the combination of Chan and Wong cannot be said to render the present invention as recited in claim 1, for example, obvious as the combination of Chan and Wong fails to disclose all the elements claimed. As shown, Chan and Wong fail to

disclose "using a comparison of a rise of the attendant matching error to a predetermined criterion," as is recited in the claim.

Having shown that the combination of Chan and Wong fails to disclose all the elements claimed, applicant submits that the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claims 2-4, these claims depend from claim 1, which has been shown to include subject matter not disclosed by, and, hence, allowable over, the combination of the cited references. Accordingly, claims 2-4 are also allowable by virtue of their dependency upon an allowable base claim.

Claims 5-10 are rejected under 35 USC 103(a) as being unpatenable over Chan and Wong as applied to claims 1-4 and further in view of Horne (USP no. 5,473,379).

With regard to independent claims 5 and 9, these claims have been amended in a manner similar to that of claim 1 and, hence, for the remarks made with regard to claim 1, can be shown to recite subject matter not disclosed by the combination of Chan and Wong.

Horne discloses an apparatus for providing block-based motion compensation using a global motion of a video frame. However, Horne fails to teach or suggest a matching using "a comparison of a rise of the attendant matching error," as is recited in the claims.

In this case, the combination of Chan, Wong and Horne cannot be said to render the present invention, as recited in independent claims 5 and 9, obvious as the combination of the cited reference fails to disclose all the elements claimed. As shown, all the references fail to disclose the claim element "using a comparison of a rise of the attendant matching error to a predetermined criterion."

Having shown that the combination of Chan, Wong and Horne fails to disclose all the elements claimed, applicant submits that the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claims 6-8 and 10, these claims depend from claim 5 and 9, which has been shown to include subject matter not disclosed by, and hence allowable over, the combination of the cited references. Accordingly, claims 5-8 and 10 are also allowable by virtue of their dependency upon an allowable base claim.
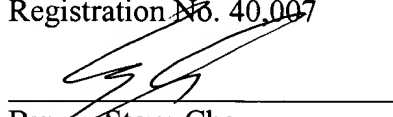
Although the last Office Action was made final, this amendment should be entered. Claims 1, 5 and 9 have been amended to include more clearly state that candidates are chosen using a comparison of a rise of the attendant matching error. Since only including explanatory functional language has been added, no matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Russell Gross
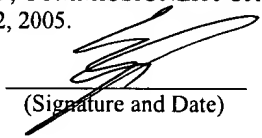Registration No. 40,007

Date: March 22, 2005

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Russell Gross, Registration No. 40,007
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313 on March 22, 2005.

Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)

(Signature and Date)